

FIRE RESTRICTION BYLAW

THE VILLAGE OF CHAPLIN

BYLAW 2017-07

A BYLAW OF THE VILLAGE OF CHAPLIN IN THE PROVINCE OF SASKATCHEWAN RESTRICTING THE USE OF FIRES IN TIMES OF EXTREME FIRE HAZARD CONDITIONS

The council of the Village of Chaplin, in the Province of Saskatchewan, enacts the following:

SHORT TITLE

1. This Bylaw may be cited as “Fire Restriction Bylaw”.

PURPOSE

2. a. To provide for public safety in times of extreme fire hazard condition;
b. To restrict or eliminate the use of fire within the municipality in areas of fire danger;
c. To attempt to minimize the risk of accidental fire;
d. To regulate open fires, fireworks, and burning of any kind.

DEFINITIONS

3. In this Bylaw;
 - a. “Administrator” shall mean the administrator of the municipality, or in their absence their designate;
 - b. “Council” shall mean the council of the municipality;
 - c. “Designated Officer” shall mean the Administrator, a Peace Officer, and any person appointed to enforce this bylaw;
 - d. “Discharge” includes to ignite, fire, or set off and the words “discharging” and “discharged” have similar meaning”
 - e. “Fireworks” means any article defined as a firework pursuant to *The Canada Explosives Act* or any Regulations thereto, shall also include Low Hazard Fireworks and High Hazard Fireworks and Manufactured Fireworks and include fireworks for recreation such as firework showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, and sparklers and rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, mines and firecrackers, or any firework composition that is enclosed in any case or contrivance or is otherwise manufactured or adapted for the production of pyrotechnic effects, signals or sound but does not include sparklers, Christmas crackers, caps for toy guns containing not in excess of twenty-five on-hundredths of a grain of explosive per cap;
 - f. “Municipality” shall mean the Village of Chaplin;

FIRE BAN

4. A fire ban prohibiting open fire of any kind may be issued by a resolution of Council or jointly by any two officials of the Municipality identified in Section 5. A fire ban shall be issued in writing and shall identify;
 - a. The time and date that the fire ban commences;
 - b. The land location(s) the fire ban covers;
 - c. The time and date the fire ban is lifted, or will be reviewed;
 - d. Person or persons authorizing the fire ban;
 - e. Authority allowing the fire ban;
 - f. Other information that may be in the public interest.
5. Pursuant to Section 4, the municipal officials so authorized, in any tandem, to issue a fire ban are the Administrator and Mayor, or Deputy Mayor if the Mayor is unavailable.
6. No person shall light, or start to allow or cause to be lighted, ignited or started a fire of any kind whatsoever in the open air during a fire ban.

7. No person shall discharge, or start or allow or cause to be discharged, ignited or started any fireworks of any kind whatsoever during a fire ban.
8. A Designated Officer may order any fire be extinguished forthwith during any period for which a fire ban is in effect within the municipality.
9. No person shall fail to immediately comply with an order to extinguish a fire by a Designated Officer.
10. A Designated Officer may cause a fire to be extinguished forthwith during any period for which a fire ban is in effect within the municipality.
11. The cost of fire prevention, suppression and emergency response services shall be charged directly on the persons who receive the service in accordance with charges as set by the Chaplin Fire Department or any other Fire Department whose services are called upon.
12. The Administrator shall, as per Section 369 of *The Municipalities Act*, add to the taxes of any property owned, occupied, or inhabited by the person referred to in Section 13 of this bylaw any amount which remains unpaid at the end of the calendar year or 30 days after the person has been invoiced for said services, whichever is earlier.

OFFENCES AND PENALTIES

13. No person shall;
 - a. Fail to comply with an order made pursuant to this Bylaw;
 - b. Obstruct or interfere with any Designated Officer or any other person acting under the authority of this Bylaw; or
 - c. Fail to comply with any other provision of this Bylaw
14. Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction to:
 - a. In the case of a first offence, to a fine of not less than \$500.00 and not more than \$10,000.00;
 - b. In the case of a second offence, to a fine of not less than \$750.00 and no more than \$10,500.00;
 - c. In the case of a third or subsequent offence, to a fine of not less than \$1,000.00 and not more than \$10,000.
15. A new offence is deemed to have been committed not less than two (2) hours from any previous bylaw.
16. A Designated Officer who has reason to believe that a person has contravened any provision of this Bylaw may serve on that person a Notice of Violation, which Notice of Violation shall indicate that the Municipality will accept voluntary payment in the sum of five hundred dollars (\$400.00) to be paid to the Municipality within 30 days.
17. Where the Municipality receives voluntary payment of the amount prescribed in Section 16, the person shall not be liable to prosecution for that offence.
18. The imposition of any penalty for violation of this bylaw shall not relieve the person from complying with this bylaw.

COMING INTO FORCE

19. This Bylaw shall come into force on the day of its final passing.

Mayor

[SEAL]

Administrator

Read a third time and adopted
this ____ day of _____, 2017.

Administrator